

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**Title V**  
**AIR QUALITY PERMIT**  
**issued under 401 KAR 52:020**

**Permittee Name:** Kentucky State Reformatory  
**Mailing Address:** 3001 West Highway 146  
LaGrange, Kentucky 40032

**Source Name:** Kentucky State Reformatory  
**Mailing Address:** Same as above

**Source Location:** 3001 West Highway 146  
LaGrange, Kentucky 40032

**Permit Number:** V-02-002  
**Log Number:** 54193  
**Review Type:** Construction/Operating, NSPS  
**Source ID #:** 21-185-00012

**Regional Office** North Central  
**County:** Oldham

**Application**  
**Complete Date:** November 20, 2001  
**Issuance Date:**  
**Expiration Date:**

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**John Lyons, Director**  
**Division for Air Quality**

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Rev #	Permit type	Log #	Complete Date	Issuance Date	Summary of Action
----	<b>Initial Permit O-75-104</b>	<b>3076</b>	<b>NA</b>	<b>7/28/75</b>	<b>Permit for 3 boilers, 2 Spray booths and 2 baking ovens E1-E7</b>
<b>1</b>	<b>Significant revision S-99-122</b>	<b>G340</b>	<b>11/08/99</b>	<b>11/17/99</b>	<b>Replacement for one of the existing 77 mmBTU/hr boilers with 53 mmBTU/hr boiler</b>
<b>2</b>	<b>Construction &amp; Operating, Synthetic Minor</b>	<b>54193</b>	<b>11/20/01</b>	<b>Draft</b>	<b>Source-wide permit with addition of 2 boilers. Increasing sources emissions over 100 tons per year of nitrogen and carbon monoxides respectively</b>

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction and operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to 401 KAR 52:100, Section 10.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

## **SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

### **Natural Gas/Oil Fired Indirect Heat Exchangers**

**Emission Unit 01 – Cleaver Brooks DL – 77 mmBTU/hr**

**Emission Unit 02 - Keeler Model 14781 – 52 mmBTU/hr**

**Description:**

Primary fuel: Natural Gas  
Backup fuel: #2 Fuel Oil  
Installed: 1971

**Applicable Regulations:**

Regulation 401 KAR 61:015, Existing indirect heat exchangers applicable to an emission unit less than 250 mmBTU per hour and commenced before April 9, 1972.

**1. Operating Limitations:**

The backup fuel oil consumption for both boilers shall not exceed 88,460 gallons per year on a 12 month rolling total. Usage of backup fuel for each boiler shall not equal or exceed 96 hours for any twelve (12) consecutive months.

**Sulfur content fuel oil shall not exceed 0.5 percent by weight –self imposed**

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 61:015, Section 4(1), particulate emissions shall not exceed 0.371 lb/mmBTU based on a three-hour average.
- b) Pursuant to Regulation 401 KAR 61:015, Section 4(2), emissions shall not exceed 40 percent opacity based on a six-minute average except that a maximum of 60 percent opacity is allowed for a period or aggregate of periods not more than six minutes in any sixty minutes during building a new fire, cleaning the firebox, or blowing soot.
- c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emission shall not exceed 4.05 lb/mmBTU based on a twenty-four-hour average.
- d) These units are considered to be in compliance with the allowable SO<sub>2</sub>, PM, and opacity limitations while burning natural gas or # 2 fuel oil.

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

- a) The permittee shall monitor the natural gas and #2 fuel oil usage on a daily basis.
- b) Pursuant to Regulation 401 KAR 61:015, Section 6(2), the sulfur content of liquid fuels, as burned shall be determined based on certification from the fuel supplier.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- c) The fuel supplier certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate fuel oil as specified in the regulation.

**5. Specific Recordkeeping Requirements:**

Records of the amount of natural gas and #2 fuel oil burned shall be maintained on a daily basis.

**6. Specific Reporting Requirements:**

- a) If fuel oil is burned in the unit, the permittee shall submit quarterly reports including the fuel supplier certification and a certified statement signed by the owner or operator of the affected facility that the records of the fuel supplier certifications submitted represent the fuel oil combusted during that quarter.
- b) See Section F

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Natural Gas/Oil Fired Indirect Heat Exchangers**

**Emission Unit 03 – Nebraska Boiler (NOS-1A-53) Type ‘O’ – 53 mmBTU/hr**

**Description:** Primary fuel: Natural Gas  
Backup fuel: #2 Fuel Oil  
Installed: 1999

**Emission Unit 08-09 – (Two New Boilers) 70 mmBTU/hr, each**

**Description:** Primary fuel: Natural Gas  
Backup fuel: #2 Fuel Oil  
Construction Commenced: September 2002

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:015, New indirect fired heat exchangers, applicable to an emissions unit with a rated capacity less than 250 mmBTU/hr which commenced on or after April 9, 1972.

Regulation 401 KAR 60:005, incorporating by reference Regulation 40 CFR 60, Subpart Dc, Standards of performance for small industrial-commercial-institutional steam generating units, for units less than or equal to 100 MMBTU/hour but greater than or equal to 10 MMBTU/hour commenced after June 9, 1989.

**1. Operating Limitations:**

The backup fuel oil consumption for the boilers shall not exceed 135,085 gallons per year on a 12 month rolling total. Operation of backup fuel for each boiler shall not equal or exceed 96 hours for any twelve (12) consecutive months.

**Sulfur content fuel oil shall not exceed 0.5 percent by weight –self imposed**

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 59:015, Section 4(1)(c), particulate emissions shall not exceed 0.10 lb/mmBTU based on a three-hour-average. This unit is considered to be in compliance with the allowable particulate emission limitation while burning natural gas or #2 fuel oil.
- b) Pursuant to Regulation 401 KAR 59:015, Section 4(2), and 40 CFR 60.42c, visible emissions shall not exceed 20% opacity based on a six minute average, except for one six minute period per hour of not more than 27% opacity.
- c) Pursuant to Regulation 401 KAR 60:005, incorporating by reference 40 CFR 60, Subpart Dc, sulfur dioxide emissions shall not exceed 0.80 lb/mmBTU. Compliance with the allowable sulfur dioxide emission limitation while burning #2 fuel oil may be demonstrated based on fuel supplier certification.
- d) This unit is considered to be in compliance with the SO<sub>2</sub>, and opacity standards while burning natural gas and #2 fuel oil.

**SECTION B - EMISSION POINTS, AFFECTED FACILITIES, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**3. Testing Requirements:**

If the backup #2 fuel oil is burnt in the unit, the permittee shall determine the opacity of emissions using EPA Reference Method 9 annually, or more frequently if required by the Division.

**4. Specific Monitoring Requirements:**

- a) The permittee shall monitor the natural gas and #2 fuel oil usage on a daily basis.
- b) The permittee may use the fuel supplier certificate to meet the sulfur dioxide emission monitoring requirements specified in 40 CFR 60, Subpart Dc.
- c) The fuel supplier certification shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate fuel oil as specified in the regulation.

**5. Specific Recordkeeping Requirements:**

Records of the amount of natural gas and #2 fuel oil burned shall be maintained on a daily basis.

**6. Specific Reporting Requirements:**

- a) If fuel oil is burned in the unit, the permittee shall submit quarterly reports including the fuel supplier certification and a certified statement signed by the owner or operator of the affected facility that the records of the fuel supplier certifications submitted represent the fuel oil combusted during that quarter.
- b) See Section F

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emission Point 04 –05- Spray Paint Booth/Machine**

**All paint lines run for 5 days per 52 weeks**

**Roll Paint Machine**

**Description:** Maximum Paint Usage - 1 gallons/day (assumes 4hr/day operation)

Wash Chemicals – 0.13 gallons/hr

Paint Machine enclosed. Drying oven is not enclosed

Construction Commenced: 1979

Control: None

**Spray Booth**

**Description:** Maximum Paint Usage - 1 gallons/hour (assumes 5.19 hr/day operation)

Clean up solvent – 0.44 gallons/hr

Spray booth is enclosed. Drying oven is not enclosed.

Assumed capture efficiency is 80%. Assumed transfer efficiency is 20%

Waste water to sewer and solids to landfill.

Control: Water wall over spray

Particulate Control: Exhaust filters at spray booth

Construction Commenced: 1979

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to emission units commenced after July 2, 1975.

**1. Operating Limitations:**

- a) Equipment and controls shall be operated in such manner as to ensure compliance with the emission limitations in the descriptions above.
- b) A copy of the manufacturer's operating and maintenance specifications shall be maintained and made available to appropriate Division personnel.
- c) Any operation or maintenance that is less stringent than the manufacturer's minimum recommendation shall be recorded.
- d) Dates and descriptions of maintenance that is part of demonstrating compliance with Operating Limitation shall be recorded.

**2. Emission Limitations:**

- a) Pursuant to Regulation 401 KAR 59:010, Section 3(1), No person shall cause, suffer, allow, or permit any continuous emission into the open air from a control device or stack associated with any affected facility which is equal or greater than twenty (20%) percent opacity.



**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

- b) Pursuant to State Regulation 401 KAR 59:010, particulate matter emissions from the booth particulate emissions shall not exceed  $[3.59 (P)^{0.62}]$  lbs/hr based on a three-hour average, where P is the processing rate in tons/hr.

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

The permittee shall monitor the paint usage rates and its VOC / HAP contents as applied and amounts of cleanup solvent utilized at each plant on a daily basis.

**5. Specific Record Keeping Requirements:**

Permittee shall keep records as required by regulation 401 KAR 59:225, Section 4(8).

**6. Specific Reporting Requirements:**

See Section F

**7. Specific Control Equipment Operating Conditions:**

All control devices shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

Exhaust filters at each paint spray booth shall be replaced as deemed necessary.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****Emission Unit 06 - 07 Recirculating Air Baking Ovens****Description:**

06	Two Roll Paint Ovens Construction commenced: 1979 Rated Burner Capacity: 0.5 mmBtu/hr Process Heat Fuel: Natural Gas Maximum production rate: 0.023 lbs/hr.
07	Three Cure Ovens Construction Commenced: 1979 Rated Burner Capacity: 1 mmBTU/hr Process Heat Fuel: Natural Gas Maximum production rate: 0.001 lbs/hr.

**APPLICABLE REGULATIONS:**

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975.

**1. Operating Limitations :**

- a) Equipment and controls shall be operated in such manner as to ensure compliance with the emission limitations in descriptions above.
- b) A copy of the manufacturer's operating and maintenance specifications shall be maintained and made available to appropriate division personnel.
- c) Any operation or maintenance that is less stringent than the manufacturer's minimum recommendation shall be recorded.
- d) Dates and descriptions of maintenance that is part of demonstrating compliance with Operating Limitation shall be recorded.

**2. Emission Limitations :**

- a) Pursuant to State Regulation 401 KAR 59:010, particulate matter emissions from the oven particulate emissions shall not exceed  $[3.59 (P)^{0.62}]$  lbs/hr based on a three-hour average, where P is the processing rate in tons/hr.
- b) Pursuant to State Regulation 401 KAR 59:010, any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**2. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

- a) Visible emissions from the ovens shall be monitored at least once annually using EPA Reference Method 9.
- b) The permittee shall monitor opacity qualitatively at least once per operating day and the results recorded in a log. The permittee shall record color, duration, and density (heavy or light) of visible emissions as well as the cause and corrective action taken for any abnormal visible emissions.

**5. Specific Recordkeeping Requirements:**

- a) Records of opacity monitoring data, hourly production rates, and support information shall be kept in accordance with the provisions of Condition 2 of Section F.
- b) The combustion chamber temperature of the control equipment shall be recorded continuously on chart recorders. The records shall be made readily available for inspection upon request from appropriate Division personnel. If any such temperature deviation continues for more than one (1) hour, the machines shall be shut down until any problems are corrected.

**6. Specific Reporting Requirements:**

See Section F.

**7. Specific Control Equipment Operating Conditions: None**

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**Emissions Unit: 09 - Standby Diesel Generators**

**Description:**

Machine point 01 – 04, 100 KW/hr each (Koeler Model) – 1993

Machine Point 05 – 175 KW/hr Onan model CTTU - 1999

Machine Point 06 – 1350 KW/hr Mecon-RRGate Model - 1982

Machine Point 07 – 10 KW/hr Onan Model - 1994

Machine point 08 – 75 KW/hr Olympian Model - 1982

Machine Point 09 – 150KW/hr Simplex Model - 2002

**APPLICABLE REGULATIONS:**

None

**1. Operating Limitations:**

The maximum operating time for the all generators shall not exceed 468 hours in any consecutive 12 months [each running @ 52 hr/yr].

**2. Emission Limitations :**

None

**3. Testing Requirements:**

None

**4. Specific Monitoring Requirements:**

- a) The Permittee shall monitor the amount of fuel oil consumed by the Generator on a monthly basis
- b) The Permittee shall monitor the hours of operation of the each Generator on a monthly basis

**5. Specific Record Keeping Requirements:**

- a) The permittee shall compile and maintain records the amount of fuel oil consumed by the generator on a monthly basis
- b) The Permittee shall maintain records of the hours of operation of the Generator on a monthly basis.
- c) The Permittee shall maintain records of the total hours of operation for the Generator on a consecutive twelve-(12) month total.
- d) The permittee shall maintain records of total amount of fuel oil consumed by the Generator on a 12 month rolling average

**6. Specific Reporting Requirements:**

See Section F

## **SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the material incorporated by reference in 401 KAR 52:020, Section 10; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Nitrogen oxides, Sulfur dioxides and Particulate matter emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.
3. Source-wide usage of #2 fuel oil for all boilers and diesel generators shall not equal or exceed 231,845 gallons per year. Allowable hours of operation for each boiler using #2 fuel oil shall not exceed 96 hours and 52 hour for each generator per each consecutive twelve (12) month rolling total.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.

[Material incorporated by reference by 401 KAR 52:020, Section 1b (IV)1]
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.  
[Material incorporated by reference by 401 KAR 52:020, Sections 1b(IV) 2 and 1a(8)]
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.



**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Division's Frankfort Regional Office at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

Material incorporated by reference by 401 KAR 52:020, Section 1b (V )1.

The semi-annual reports are due prior to January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.

6. a. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
- i. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - ii. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
- b. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.6a. above) to the Division for Air Quality's Frankfort Regional Office within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5. Material incorporated by reference by 401 KAR 52:020, Section 1b V 3, 4.
7. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
- a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- d. The method used for determining the compliance status for the source, currently and over the reporting period, and
- e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601

U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

- 8. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
- 9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

## **SECTION G - GENERAL PROVISIONS**

### **(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including termination, revocation and reissuance, revision or denial of a permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 3 ]
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 6 ]
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon requested by the cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 7,8 ]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority. [Material incorporated by reference by 401 KAR 52:020, Section 7(1)]

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 14]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 4 ]
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 15)b ]
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [Material incorporated by reference by 401 KAR 52:020, Section 1a, 10]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:020, Section 11(3)(b)]
11. This permit does not convey property rights or exclusive privileges. [Material incorporated by reference by 401 KAR 52:020, Section 1a, 9]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 52:020, Section 11(3)(a)]
15. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.
16. All previously issued construction/operating permits to the source are hereby null and void.

## **SECTION G - GENERAL PROVISIONS (CONTINUED)**

### **(b) Permit Expiration and Reapplication Requirements**

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:020, Section 12]
2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]

### **(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

### **(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements** Emission Unit 07 & 08

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following completion and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Division for Air Quality's Frankfort Regional Office in writing, with a copy to the division's Frankfort Central Office, notification of the following:
  - a. The date when construction commenced.
  - b. The date of start-up of the affected facilities listed in this permit.
  - c. The date when the maximum production rate specified in the permit application was achieved.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

3. Pursuant to 401 KAR 52:020, Section 3(2), unless construction is commenced within eighteen (18) months after the permit is issued, or begins but is discontinued for a period of eighteen (18) months or is not completed within a reasonable timeframe then the construction and operating authority granted by this permit for those affected facilities for which construction was not completed shall immediately become invalid. Upon written request, the cabinet may extend these time periods if the source shows good cause.
  4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
  5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. These performance tests must also be conducted in accordance with General Provisions G(d)6 of this permit and the permittee must furnish to the Division for Air Quality's Frankfort Central Office a written report of the results of such performance test.
- (e) Acid Rain Program Requirements  
None
- (f) Emergency Provisions
1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
    - a. An emergency occurred and the permittee can identify the cause of the emergency;
    - b. The permitted facility was at the time being properly operated;
    - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
    - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within ten (10) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
    - e. This requirement does not relieve the source from other local, state or federal notification requirements.
  2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:020, Section 24(3)]

## SECTION G - GENERAL PROVISIONS (CONTINUED)

3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:020, Section 24(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR 68, Chemical Accident Prevention. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the division or the U.S. EPA.

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

**SECTION H - ALTERNATE OPERATING SCENARIOS**

None



**SECTION I - COMPLIANCE SCHEDULE**

None.